

SECOND DAY

(Continued)

(Wednesday, February 8, 1950)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by Senator Aikin.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 8, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 5, In memory of Mrs. Susie Peale Butler.

H. C. R. No. 8, Requesting the Comptroller to submit reasons for his estimates relative to the Eleemosynary Institutions.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Leaves of Absence Granted

Senator Harris was granted leave of absence for today on account of an illness in the family on motion of Senator Strauss.

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Proffer.

Senate Resolution 22

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Sixth Grade Class of Pease School, Austin, Texas, accompanied by their teacher, Miss Waldeen Hunter; and

Whereas, This group is making an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Bill 1 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 1, A bill to be entitled "An Act making an appropriation to the Board for Texas State Hospitals and Special Schools; providing such appropriations may be used to supplement current institutional appropriations and declaring an emergency."

The bill was read second time.

Senator Carney offered the following amendment to the bill:

Amend Senate Bill No. 1 by striking out Section 2 and inserting in lieu thereof the following:

"Section 2. The fact that insufficient funds were appropriated for operations for the current fiscal year at some of the institutions under the supervision of the Board for Texas State Hospitals and Special Schools, and the fact that proper training of institutional employees is an immediate necessity creates an emergency and an imperative public necessity, such emergency and necessity requiring the appropriation notwithstanding the fact that it is in excess of such cash and anticipated revenue, that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted."

The amendment was adopted.

Paired

Senator Martin (present), who would vote "nay" with Senator Kelley of Hidalgo (absent), who would vote "yea".

The bill was passed to engrossment.

Senate Bill 1 on Third Reading

Senator Carney moved to suspend the Constitutional rule requiring bills to be read on three several days and that Senate Bill No. 1 be passed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Hardeman	Harris
----------	--------

The Presiding Officer then laid Senate Bill No. 1 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent—Excused

Hardeman	Harris
----------	--------

Senate Bill 4 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 4, A bill to be entitled "An Act amending House Bill No. 321, Acts of the Regular Session, 51st Legislature, 1949; making an appropriation for the support, maintenance, and improvement of the State Hospi-

tals, Special Schools, and other institutions included in said House Bill No. 321 for the fiscal year beginning September 1, 1950 and ending August 31, 1951; prescribing certain regulations and restrictions in respect to the expenditure of the appropriations; providing a savings clause and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

At Ease

The Presiding Officer announced that the Senate would stand at ease subject to the call of the Chair.

The Presiding Officer called the Senate to order at 10:30 o'clock a.m.

**Presentation and Acceptance of
Portrait of Lieutenant General
Claude V. Birkhead**

At 10:30 o'clock a.m., the Presiding Officer, Senator Aikin in the Chair, announced the arrival of the hour for the presentation to the Senate of a portrait painting of Lieutenant General Claude V. Birkhead, in accordance with the provisions of Senate Resolution No. 14 adopted by the Senate on yesterday.

The Presiding Officer announced the presence of the Governor and General Birkhead and other distinguished guests at the entrance to the Senate Chamber and appointed Senators Hudson, Weinert and Moffett to escort them to the President's rostrum and to seats prepared for them at the bar of the Senate.

Lieutenant General Claude V. Birkhead, Commander of the Texas State Guard Reserve, and Governor Allan Shivers in company with Brig. General A. B. Crowther, Commander 36th Division Artillery; Brig. General William H. Martin, Asst. Adjutant General of Texas; Colonel Vincent Chiodo, President, State Guard Association; Maj. Gen. Ike Ashburn and Col. James E. Taylor were escorted to seats on the President's rostrum and the other members of the party occupied seats prepared for them at the bar of the Senate.

Salute to a Soldier

Senator Aikin then delivered the

following address in tribute to General Birkhead:

The distinguished career of Lt. Gen. Claude V. Birkhead spans half a century. He first donned the uniform back in 1899—before many of us were born—and he has always worn it to the credit of the service.

The Texas State Guard Association wished to show the affection and esteem it holds for the general and commissioned Frank A. Stanush to do this oil painting, and that is why this painting has been given to the State for honored display.

General Birkhead has had much editorial recognition during his half-century of service to the State of Texas and to the Nation, and as a citizen-soldier served his community, State and country usefully in various capacities for a half-century.

As a young lawyer, a native of Oregon and lately graduated from a Fort Worth law school, Birkhead joined Co. K, 1st Texas Infantry, National Guard, in 1899. He has been connected with the military almost continuously since.

Though General Birkhead formally retired from his Texas National Guard command two years ago, he retained command of Texas State Guard Reserve Corps. That organization, with headquarters in San Antonio, is drilled, equipped and otherwise prepared to function as a home guard whenever the National Guard shall be called to active duty.

During World War I, Colonel Birkhead saw active service with the 36th Division in the Meuse-Argonne. He commanded the 131st Field Artillery. It was during that campaign that the Texas citizen-soldier organization won its historic title, "the Fighting 36th."

Between the world wars, General Birkhead served the reorganized 36th Division (Texas National Guard) in turn as chief of staff, commander of the 61st Field Artillery Brigade and the Division's commanding general. In the last-mentioned capacity, at Camp Bowie in 1940-41, he directed the building, equipping and training of the Division for the landing at Salerno, the fighting along Rapido River and that historic march upon Rome from the south. Then came the drive up France's Rhone Valley, through the Vosges mountains, and across the Rhine to Hitler's stronghold.

Thus ran an achievement record

conspicuous in military annals. Though he was not there (being barred by his 64 years) General Birkhead could claim a part in that achievement. The "Fighting 36th" had been well schooled in mechanized warfare. Equally important, its men were instructed in the unit's and in Texas' fighting traditions. Again, at a big moment in history, the citizen-soldier, this Nation's staunch reliance in war, had made good.

The Presiding Officer then presented Governor Allan Shivers who addressed the Senate and formally presented to the Senate the portrait painting of Lieutenant General Birkhead.

Governor Shivers took note of the presence in the Senate Chamber of Mrs. Birkhead, wife of General Birkhead, and presented her to the membership of the Senate and the audience.

The Presiding Officer (Senator Aikin) then presented Lieutenant General Birkhead, who addressed the Senate and the distinguished guests in acknowledgment of the honor bestowed upon him.

At Ease

The Presiding Officer announced that the Senate would stand at ease subject to the call of the Chair.

The Presiding Officer called the Senate to order at 11:00 o'clock a.m.

Senate Bill 4 on Second Reading

The Senate resumed consideration of pending business, same being S. B. No. 4 on passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Carney offered the following committee amendment to the bill:

(1)

Amend S. B. No. 4 (page 13 mimeographed copy) by inserting an item immediately following the appropriation for "Thoracic Surgery Teams", the new item to read as follows:

"For the activation of a central purchasing agency in the State Department of Public Welfare (as authorized in Article 695 C, Section 7, Vernon's Civil Statutes). Said central purchasing agency to apply for and

supervise the distribution of surplus food commodities as same are made available by the Federal Government or its agencies. Said surplus commodities to be used by any agency or institution mentioned in this bill or any other eligible tax supported agency in this State."

For the Year Ending
August 31, 1951

Director of Commodity	
Distribution	\$ 6,000.00
Assistant Field Director...	4,800.00
Secretary to Director.....	2,352.00
Allocations Supervisor	4,200.00
Senior Accountant	3,720.00
Stenographers, 3, at	
\$2,184.00	6,552.00
Total Salaries	\$27,624.00
Travel	5,500.00
Communications, Stamps,	
Telephone, etc.	2,000.00
Office Supplies	600.00
Rent at \$300.00 per month.	3,600.00
Total	\$11,700.00
Grand Total	\$39,324.00

Senator Kelly of Tarrant offered the following amendment to the committee amendment:

Amend Amendment No. 1, the Moffett amendment, to Senate Bill 4 by striking out all appropriations made by said amendment.

Senator Carney moved to table the amendment to the amendment.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Martin
Bell	Moffett
Bullock	Moore
Carney	Morris
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hazlewood	Shofner
Hudson	Tynan
Jones	Vick

Nays—5

Kelly of Tarrant	Strauss
Lock	Weinert
McDonald	

Absent—Excused

Hardeman	Harris
----------	--------

Paired

Senator Bracewell (present), who would vote "nay" with Senator Kelley of Hidalgo (absent), who would vote "yea".

Senator Nokes offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to S. B. 4 by changing the appropriation items to read as follows:

For the Year Ending
August 31, 1951

Dir. of Com. Dist.....	\$ 4,800.00
Sec. to Dir.....	2,200.00
Allocations Supervisor	3,600.00
Senior Accountant	3,000.00
Stenographer	2,000.00

Total Salaries	\$15,600.00
Travel	3,000.00
Communication stamps,	
telephone, etc.	1,000.00
Office Supplies	300.00
Rent @ \$300 per mo.....	3,600.00

Total \$ 7,900.00

Grand Total \$23,500.00

Senator Carney moved to table the amendment to the amendment.

The motion to table was lost by the following vote:

Yeas—13

Carney	Morris
Corbin	Phillips
Cousins	Proffer
Lane	Shofner
Lock	Tynan
Moffett	Vick
Moore	

Nays—13

Aikin	Kelly of Tarrant
Ashley	Martin
Bell	McDonald
Bullock	Nokes
Colson	Strauss
Hudson	Weinert
Jones	

Absent

Hazlewood

Absent—Excused

Hardeman	Harris
----------	--------

Paired

Senator Bracewell (present), who

would vote "nay" with Senator Kelley of Hidalgo (absent), who would vote "yea".

Question recurring on the amendment to the Committee Amendment, it was adopted by the following vote:

Yeas—14

Aikin	Jones
Ashley	Kelly of Tarrant
Bell	Martin
Bracewell	McDonald
Bullock	Nokes
Colson	Strauss
Hudson	Weinert

Nays—13

Carney	Morris
Corbin	Phillips
Cousins	Proffer
Lane	Shofner
Lock	Tynan
Moffett	Vick
Moore	

Absent

Hazlewood	Kelley of Hidalgo
-----------	-------------------

Absent—Excused

Hardeman	Harris
----------	--------

Question recurring on the Committee Amendment as amended, it was adopted.

Senator Carney offered the following Committee Amendment to the bill:

(2)

Amend Senate Bill No. 4, Page 15, Gainesville State School for Girls, by striking out "Item 7, Construct Hospital, \$140,000," and by striking out on Page 16 under Gainesville State School for Boys, "Item 6, Gymnasium and Recreation Building, \$100,000."

Senator Corbin moved to table the amendment. The motion to table was lost by the following vote:

Yeas—8

Bullock	Morris
Corbin	Nokes
McDonald	Shofner
Moore	Vick

Nays—19

Aikin	Carney
Ashley	Colson
Bell	Cousins
Bracewell	Hudson

Jones	Phillips
Kelly of Tarrant	Proffer
Lane	Strauss
Lock	Tynan
Martin	Weinert
Moffett	

Absent

Hazlewood	Kelley of Hidalgo
-----------	-------------------

Absent—Excused

Hardeman	Harris
----------	--------

Question recurring on the Committee Amendment, it was adopted.

Record of Votes

Senators Morris, Corbin, Vick, Shofner, and McDonald asked to be recorded as voting "nay" on the adoption of the Committee Amendment.

On motion of Senator Moffett, and by unanimous consent, the caption of the bill was amended to conform with the body of the bill as amended.

S. B. No. 4 was passed to engrossment.

Senate Bill 4 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Nokes
Corbin	Phillips
Cousins	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Kelley of Hidalgo

Absent—Excused

Hardeman	Harris
----------	--------

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Nokes
Cousins	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Tynan

Vick Weinert

Nays—1

Martin

Absent—Excused

Hardeman

Harris

Resolution Signed

The Presiding Officer announced the signing of, in the presence of the Senate, the following resolution:

S. C. R. No. 5, In memory of Mrs. Susie P. Butler.

Recess

On motion of Senator Morris, the Senate at 12:15 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

In Memory of
Will P. Reeves

(Senate Resolution 20)

Senator Morris offered the following resolution:

Whereas, On the 12th day of September, 1949, Mr. Will P. Reeves was called to his Heavenly Reward; and

Whereas, Mr. Reeves' passing, at the age of 70, ended a full and outstanding life of service as a leader in his church, his community, and the City of Greenville; and

Whereas, Mr. Reeves was born in Hunt County, Texas, and has lived most of his seventy years in the City of Greenville, where his life has been closely entwined with the growth of that city and the surrounding area; and

Whereas, Mr. Reeves was an outstanding Christian layman, having been a loyal and active member of the Wesley Methodist Church since early manhood, serving on the board of stewards of that church, and as an active and tireless worker in the Sunday school; and

Whereas, he has been continuously active in civic work in the City of Greenville, and as a civic leader he had no peers. His service in that respect is marked by the fact that he worked just as hard in the ranks as he did on committees, working unceasingly for the good of the community. His membership in civic organizations included the Rotary Club, the Greenville Chamber of Commerce, the East Texas Chamber of Commerce, and many others; and

Whereas, In addition to his civic and religious interests, he was a member of the local Masonic Bodies and a member of Hella Temple Shrine of Dallas; and

Whereas, as a leader in the business world, he was truly one who started at the bottom and attained success in his chosen field through his belief in hard work, conscientious efforts and friendly business methods. His sincere interest in all those with whom he was associated was one of his most notable characteristics; and

Whereas, He was a good and faithful husband and father; and

Whereas, He filled all the years allotted to him with a devoted service to his family, his friends and his community, being at all times ready and willing to give of his time and his means to help his fellow man; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the services and useful life of this outstanding Texan, Mr. Will P. Reeves, and to express sympathy to his family; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this valuable citizen is a loss to the City of Greenville and to the entire State; and that a copy of this resolution be sent to the members of his family as a tribute to his life; and, be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Will P. Reeves.

MORRIS
AIKIN
LANE
HARRIS

The resolution was read and was adopted.

In Memory of

A. H. Boyt

(Senate Resolution 21)

Senator Cousins offered the following resolution:

Whereas, On January 29, 1950, our Almighty God in his wisdom called from his earthly existence A. H. Boyt, known as "The Father of the American Rice Growers Association" and known to the common people of Texas as "Cap" Boyt; and

Whereas, "Cap" Boyt was a native from Mississippi, having moved to Texas in 1908, and having lived in Beeville, Barbers Hill, Crosby, and in Jefferson County, Texas, having moved to Jefferson County in 1904 where he operated a small store on Pine Island Bayou; and

Whereas, "Cap" Boyt came to realize the needs of the rice farmers, tenants and landowners and of the ranchers who lived in his immediate vicinity; and

Whereas, "Cap" Boyt through his great love for his fellow men had the ability to organize these men from the different walks of life into one organization, called "The American Rice Growers Association", welding them into an organization which has endured panics, depressions, and prosperity, and at the present time is sixteen associations strong, covering the States of Texas, Louisiana, and Arkansas, with thousands of members; and

Whereas, "Cap" Boyt grew in stature parallel to the Rice Growers Association, among his fellow citizens and was loved and respected by all who knew him, both great and small; and

Whereas, In his passing from his earthly existence, the State of Texas and his many friends scattered all over the nation have lost a highly esteemed friend and useful citizen; and

Whereas, It is the desire of the Senate of the State of Texas to recognize and pay tribute to "Cap" Boyt and to express sympathy to his family; now, therefore, be it

Resolved, By the Senate of the State of Texas, that sincere sympathy be extended to the family of A. H. Boyt and to his many friends and to the American Rice Growers Association for the loss of this great and good leader, and that a page be set aside in the Senate Journal as a memorial to him; and that this resolution be printed and a copy be sent to the Boyt family and to the American Rice Growers Association, and when the Senate adjourns today it do so out of respect to the memory of A. H. "Cap" Boyt.

COUSINS
PHILLIPS
BRACEWELL
BELL
STRAUSS
COLSON

The resolution was read and was adopted.